

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC., et al.,

Defendants.

No. 18-CV-2293 (FLW)(ZNQ)

**DECLARATION OF DANIEL
WALFISH IN SUPPORT OF
DEFENDANT JOHN STETSON'S
MOTION TO DISMISS THE
CONSOLIDATED SECOND
AMENDED COMPLAINT**

I, Daniel Walfish, declare as follows:

1. I am a partner in the law firm Walfish & Fissell PLLC and am admitted *pro hac vice* as counsel to Defendant John Stetson. I make this declaration on personal knowledge and in support of Mr. Stetson's Motion to Dismiss the Consolidated Second Amended Class Action Complaint.

2. Attached as Exhibit 1 are excerpts of Bioptix, Inc. ("Bioptix")'s registration statement on Form S-3, filed April 20, 2017 with the Securities and Exchange Commission ("SEC"), which I retrieved from the SEC's EDGAR database.

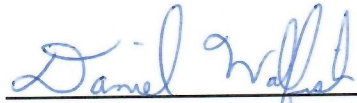
3. Attached as Exhibit 2 are excerpts of Bioptix's July 19, 2017 Form S-3/A filing, consisting of Amendment No. 1 to its Form S-3 registration statement filed with the SEC, which I retrieved from the SEC's EDGAR database.

4. Attached as Exhibit 3 are excerpts of Bioptix, Inc.'s August 24, 2017 Form S-3/A filing, consisting of Amendment No. 2 to its Form S-3 registration statement filed with the SEC, which I retrieved from the SEC's EDGAR database.

5. Attached as Exhibit 4 are excerpts of Bioptix, Inc.'s September 25, 2017 Form S-3/A filing, consisting of Amendment No. 3 to its Form S-3 registration statement filed with the SEC, which I retrieved from the SEC's EDGAR database.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 8, 2021



Daniel Walfish